

**THE ATTACHED
AMENDMENTS
ARE TO BILLS
THAT WILL
BE
HEARD ON
HOUSE REGULAR
CALENDAR
TODAY
THURSDAY
APRIL 14, 2022**

Amendment No. 1 to HB2023

Farmer
Signature of Sponsor

AMEND Senate Bill No. 1910*

House Bill No. 2023

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 4, is amended by adding the following as a new section:

(a) A landlord or person in control of a residential rental property shall provide a case manager from the department of children's services or a child protective investigation team with information, if known, on the address or location of a child who has been alleged to be abused or neglected and resides or is located on the residential rental property.

(b) The landlord or person in control of a residential rental property is not liable in any civil or criminal action that is based solely upon cooperation with the investigation by the department of children's services or a child protective investigation team, except in cases of willful or wanton conduct or intentional wrongdoing.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it.

Amendment No. 1 to HB2153

Moody
Signature of Sponsor

AMEND Senate Bill No. 2406

House Bill No. 2153*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-232, is amended by deleting the section and substituting:

To ensure that all students are fully prepared for the technological jobs of today and in the future, the department of education shall:

- (1) Provide, no later than the start of the 2023-2024 school year, computer science courses, including online options, in which public school students across the state may enroll at no charge to satisfy the requirements of § 49-6-1010, if the courses are approved by the state board of education;
- (2) Subject to available funding, provide, at no charge to educators, a professional development program in computer science education for educators that includes professional learning modules that provide educators with the opportunity to learn and demonstrate competency in computer science by earning a micro-credential pursuant to § 49-1-302(k)(2);
- (3) Subject to available funding, provide incentives for schools and educators to offer high-quality professional development opportunities in computer science education to educators, and to offer high-quality computer science education to students; and
- (4) Create a computer science education network that may be integrated into the science, technology, engineering, and mathematics (STEM) school designation and Tennessee STEM Innovation Network (TSIN) regional hubs.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 1, Part 3, is amended by adding the following as a new section:

The department of education shall recommend academic standards for computer science education to the state board of education for adoption. The state board shall adopt academic standards for computer science education, which must be included in the computer science curriculum for students in grades kindergarten through twelve (K-12). The standards adopted by the state board must be available for implementation beginning with the 2023-2024 school year; however, schools shall not be required to implement the computer science standards until the 2024-2025 school year.

SECTION 3. Tennessee Code Annotated, Section 49-1-302(k), is amended by deleting the subsection and substituting:

(k)

(1) The department shall develop and submit to the state board of education for approval an endorsement in computer science for individuals enrolled in a state board approved educator preparation program who demonstrate sufficient content knowledge in the course material.

(2) The department shall develop and submit to the state board for approval an additional endorsement pathway to provide educators with the opportunity to demonstrate competency in computer science education by earning a micro-credential that results in an additional license endorsement for computer science. As used in this subdivision (k)(2), "micro-credential" means a competency-based recognition of demonstrated mastery by grade band.

SECTION 4. Tennessee Code Annotated, Section 49-6-1010, is amended by deleting the section and substituting:

(a) In order for every student for whom it is educationally appropriate to receive instruction in computer science sufficient to enable the student to communicate and to

be prepared for the technological jobs of today and tomorrow, the state board of education shall, no later than the 2024-2025 school year:

(1) Require each public high school to offer its students access to at least one (1) credit of computer science education;

(2) Require each public middle school student to take one (1) course in computer science education that includes instruction for a minimum of one (1) grading period for one (1) full school year;

(3) Approve appropriate computer science courses that allow LEAs and public charter schools to meet the requirements of subdivisions (a)(1) and (a)(2). A computer science course may include, but is not limited to, grade-appropriate instruction on how and why technologies work; exploring whether and how technologies may solve real-life problems; investigating procedures; creating solutions; and learning about computing systems, programming, data, networks, and the effects of technologies on society and individuals; and

(4) Require each elementary school to provide each student grade-appropriate computer science education based on the academic standards in computer science education adopted by the state board of education.

(b)

(1) A high school student pursuing a traditional high school diploma, as described in the state board of education's rules, must receive at least one (1) credit of computer science education in high school.

(2) Subdivision (b)(1) only applies to students who enroll in the ninth grade in the 2024-2025 school year, or in a subsequent school year.

(c) A student who transfers to a Tennessee high school during the student's senior year is not required to receive one (1) credit of computer science education in high school in order to receive a traditional high school diploma.

(d) By July 1, 2024, and each July 1 thereafter, the department of education shall submit a report to the education committee of the senate, the education instruction committee of the house of representatives, and the education administration committee of the house of representatives regarding the implementation and status of computer science education in Tennessee.

SECTION 5. The state board of education may promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB2157

White
Signature of Sponsor

AMEND Senate Bill No. 2410

House Bill No. 2157*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 9, is amended by adding the following as a new part:

49-9-1101. Establishment of an institute of American civics.

(a) There is established an institute of American civics at the University of Tennessee, Knoxville. The board of trustees for the University of Tennessee may rename the institute consistent with its philanthropic naming governance procedures.

(b) It is the purpose of the institute to:

(1) Foster a deeper understanding of the structures and institutions of federal, state, and local government;

(2) Further the understanding of the principles and philosophies that contributed to the foundation and development of the United States and the state of Tennessee;

(3) Promote civil discourse and constructive debate;

(4) Enhance education in the fields of politics, economics, philosophy, American history, American government, and other related fields as appropriate, with a focus on the rights and responsibilities of American citizenship; fundamental democratic principles; and the ways in which those principles are expressed in and through our federal, state, and local institutions;

(5) Provide nonpartisan resources to students, faculty, state government agencies, educators, and the general public regarding civic affairs;

(6) Foster civic engagement through full and fair discussions that promote civil dialogue among those holding conflicting points of view; and

(7) Assist in ensuring that the University of Tennessee serves as a robust marketplace of ideas for all students and faculty.

(c) In order to carry out the purposes set forth in subsection (b), the institute is authorized to:

(1) Hire faculty and staff;

(2) Enroll students;

(3) Develop and offer courses in new undergraduate major and minor programs;

(4) Offer general education and honors courses;

(5) Provide and facilitate internships and other relevant experiences for students and the general public;

(6) Hold events; and

(7) Take other actions as appropriate, subject to the supervision of the chancellor of the University of Tennessee, Knoxville and the general supervision of the president of the University of Tennessee system.

(d) Upon its establishment, the institute may be physically housed in the Howard H. Baker, Jr. Center on the campus of the University of Tennessee, Knoxville.

(e) The institute shall operate as an academic unit within the University of Tennessee, Knoxville.

(f) The institute shall provide programming addressing American civics and related topics for the University of Tennessee system.

49-9-1102. Board of fellows.

(a) The president of the University of Tennessee, in consultation with the governor, the speaker of the senate, and the speaker of the house of representatives,

shall appoint initial members to serve on a board of fellows for the institute. Members of the initial board of fellows must be appointed by September 1, 2022.

(b) The board of fellows must consist of thirteen (13) members, of which:

(1) At least nine (9) members must be, or have been, tenured professors or administrators or professors of practice at an institution of higher education in the United States;

(2) Two (2) members must be distinguished former elected or appointed officials in the United States, and, while serving in their former elected or appointed position, must have been affiliated with different political parties; and

(3) Two (2) members must be members of the board of the Howard H. Baker, Jr. Center for Public Policy at the University of Tennessee, Knoxville. If a member appointed under this subdivision (b)(3) vacates the member's position on the board of the Howard H. Baker, Jr. Center for Public Policy, then the member vacates the member's position on the board of fellows and must be replaced by the president of the University of Tennessee.

(c) In order to establish staggered terms for members of the board, four (4) of the initial members must be appointed to serve a term of two (2) years; four (4) of the initial members must be appointed to serve a term of four (4) years; and five (5) of the initial members must be appointed to serve a term of six (6) years. After the initial appointments expire, the term for each member of the board appointed to succeed an initial member of the board of fellows is six (6) years. Board members may continue to serve on the board after their term expires, but only until a new member is appointed to replace the board member. Board members may be reappointed to multiple terms.

(d) The president of the University of Tennessee may remove a member from the board of fellows for misconduct or neglect of duty.

(e) Except as provided in subdivision (b)(3), when a member's term expires or when a vacancy on the board arises, the board of fellows shall, with the approval of the

president of the University of Tennessee, and in consultation with the governor, the speaker of the senate, and the speaker of the house of representatives, appoint a new member to serve on the board. If the board appoints a new member to fill a vacancy, then the new member serves for the remainder of the unexpired term.

(f) The president of the University of Tennessee shall designate a member of the board of fellows to serve as the chair for a term of two (2) years. At the expiration of the chair's term, the president of the University of Tennessee shall appoint another member to serve as chair. There is no limitation on the number of terms a chair may serve. If the chair resigns from the position of chair, or resigns from the board of fellows, then the president of the University of Tennessee may designate another member to serve the remainder of the former chair's two-year term.

(g) The board of fellows shall advise the director appointed pursuant to § 49-9-1103 on matters related to the institute, including, but not limited to, staffing, curriculum, policy, and programming, in accordance with the policies and procedures of the University of Tennessee. The director retains final discretion as to all such decisions for the institute, in accordance with the policies and procedures of the University of Tennessee.

49-9-1103. Director - Faculty and staff.

(a) By March 1, 2023, the board of fellows, or a committee of the board selected by the board, shall conduct a national search and transmit to the chancellor of the University of Tennessee, Knoxville a list of finalists for the position of director. The chancellor of the University of Tennessee, Knoxville shall provide all necessary administrative support for the search. The chancellor of the University of Tennessee, Knoxville shall appoint the director from the list of finalists provided by the board of fellows. If the position of director becomes vacant, then the same process must be followed to appoint a new director. During the period beginning when the position of director becomes vacant and when a new director is appointed, the chancellor of the

University of Tennessee, Knoxville may designate a member of the institute's faculty to serve as acting director. The chancellor of the University of Tennessee, Knoxville may remove the director in accordance with the policies and procedures of the University of Tennessee.

(b) The director shall report to the chancellor of the University of Tennessee, Knoxville.

(c) Except for the appointment of the director as provided in subsection (a), the director shall make all faculty and staff hiring decisions. The director shall operate the institute in accordance with the policies and procedures of the University of Tennessee.

(d) Faculty of the institute may be awarded tenure subject to the tenure policies of the University of Tennessee as adopted by the board of trustees, and shall not be required to gain joint appointment in another division of the University of Tennessee.

(e) By September 1, 2023, and by each September 1 thereafter, the director shall develop and provide an annual strategic plan for the institute to the chancellor of the University of Tennessee, Knoxville; the president of the University of Tennessee system; and the board of fellows.

49-9-1104. Use of funds.

Funds appropriated to the institute shall not supplant any existing state funding or private or external donations to the Howard H. Baker, Jr. Center for Public Policy or to the University of Tennessee. Appropriated funds and all private and external donations to the institute may only be used for the direct operation of the institute.

49-9-1105. Annual report.

(a) By October 1, 2023, and by each October 1 thereafter, the president of the University of Tennessee shall, in consultation with the director of the institute, the board of fellows, and the chancellor of the University of Tennessee, Knoxville, submit an annual report to the governor, the speaker of the senate, the speaker of the house of

representatives, and the chairs of the finance committees of the senate and house of representatives.

(b) The report must include:

(1) The total amount of funding received by the institute in the previous year;

(2) A description of current faculty positions and the names and qualifications of the faculty members currently holding such positions;

(3) The names and titles of the members of the board of fellows;

(4) The total undergraduate and graduate student enrollment of the institute;

(5) A description of the courses and degrees offered by the institute;

(6) A description of significant community events, initiatives, and publications provided by the institute during the previous year;

(7) A description of programs at the University of Tennessee supported by the institute; and

(8) A copy of the institute's most recently issued strategic plan.

SECTION 2. If a provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB0650

White
Signature of Sponsor

AMEND Senate Bill No. 532

House Bill No. 650*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-7-202, is amended by adding the following as a new subsection:

(v) The commission shall comply with the policies of the state building commission concerning capital projects affecting public institutions of higher education in this state.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB2416

Terry

Signature of Sponsor

AMEND Senate Bill No. 2281

House Bill No. 2416*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 63-6-241, is amended by deleting the section.

SECTION 2. Tennessee Code Annotated, Section 63-1-155, is amended by deleting subsection (e) and substituting:

(e) This section does not apply to or restrict the requirements of chapter 6, part 11 of this title.

SECTION 3. Tennessee Code Annotated, Title 63, Chapter 6, is amended by adding the following as a new part:

63-6-1101. Short title.

This part is known and may be cited as the "Tennessee Abortion-Inducing Drug Risk Protocol Act."

63-6-1102. Part definitions.

As used in this part:

(1) "Abortion":

(A) Means the elective use or prescription of an instrument, medicine, drug, or other substance, or device, with the intent to terminate the clinically diagnosable pregnancy of a patient, with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child; and

(B) Does not mean an act to terminate a pregnancy with the intent to:

(i) Save the life or preserve the health of the unborn child;

(ii) Remove a dead unborn child caused by spontaneous abortion;

(iii) Remove an ectopic pregnancy; or

(iv) Treat a maternal disease or illness for which the prescribed drug is indicated;

(2) "Abortion-inducing drug" or "chemical abortion":

(A) Means a medicine, drug, or other substance provided with the intent of terminating the clinically diagnosable pregnancy of a patient, with knowledge that the termination will, with reasonable likelihood, cause the death of the unborn child;

(B) Includes the off-label use of drugs known to have abortion-inducing properties that are prescribed specifically with the intent of causing an abortion, such as mifepristone, misoprostol, and methotrexate; and

(C) Does not include drugs that may be known to cause an abortion that are prescribed for other medical indications;

(3) "Adverse event" means an untoward medical occurrence associated with the use of a drug in humans, whether or not considered drug related;

(4) "Associated physician" means an individual licensed, and in good standing, to practice medicine in this state pursuant to chapter 6 or 9 of this title and who has entered into an associated physician agreement pursuant to § 63-6-1104(b);

(5) "Complication" means an adverse physical or psychological condition arising from the performance of an abortion, including, but not limited to, uterine perforation; cervical perforation; infection; heavy or uncontrolled bleeding; hemorrhage; blood clots resulting in pulmonary embolism or deep vein thrombosis; failure to actually terminate the pregnancy; incomplete abortion; pelvic inflammatory disease; endometritis; missed ectopic pregnancy; cardiac arrest; respiratory arrest; renal failure; metabolic disorder; shock; embolism; coma; placenta previa in subsequent pregnancies; preterm delivery in subsequent pregnancies; free fluid in the abdomen; hemolytic reaction due to the administration of ABO-incompatible blood or blood products; adverse reactions to anesthesia and other drugs; subsequent development of breast cancer; death; psychological complications, such as depression, suicidal ideation, anxiety, and sleeping disorders; and other adverse events;

(6) "Department" means the department of health;

(7) "Facility" means a public or private hospital, clinic, center, medical school, medical training institution, healthcare business, physician's office, infirmary, dispensary, ambulatory surgical center, or other institution, location, or business where medical care or pharmaceuticals are provided to individuals;

(8) "Hospital" has the same meaning as defined by § 68-11-201;

(9) "Last menstrual period" means the time that has elapsed since the first day of the patient's last menstrual period;

(10) "Physician" means an individual licensed, and in good standing, to practice medicine in this state pursuant to chapter 6 or 9 of this title;

(11) "Pregnant" or "pregnancy" means the female reproductive condition of having an unborn child in the patient's uterus;

(12) "Provide" means an act of giving, selling, dispensing, administering, transferring possession to, or otherwise providing or prescribing, an abortion-inducing drug;

(13) "Qualified physician" means a physician who has the ability to:

(A) Identify and document a viable intrauterine pregnancy;

(B) Assess the gestational age of pregnancy and inform the patient of gestational age-specific risks;

(C) Diagnose ectopic pregnancy;

(D) Determine blood type and administer RhoGAM if a patient is Rh negative;

(E) Assess for signs of domestic abuse, reproductive control, human trafficking, and other signals of coerced abortion;

(F) Provide surgical intervention, or has entered into a contract with another qualified physician to provide surgical intervention; and

(G) Supervise and bear legal responsibility for an agent, employee, or contractor who is participating in any part of a procedure, including, but not limited to, preprocedure evaluation and care;

(14) "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent physician knowledgeable about the patient's case and the treatment possibilities with respect to the medical conditions involved; and

(15) "Unborn child" means an individual organism of the species homo sapiens, beginning at fertilization, until the point of being born alive as defined in 1 U.S.C. § 8(b).

63-6-1103. In-person requirement.

(a) An abortion-inducing drug may be provided only by a qualified physician following the procedures set forth in this part.

(b) A manufacturer, supplier, pharmacy, physician, qualified physician, or other person shall not provide an abortion-inducing drug to a patient via courier, delivery, or mail service.

63-6-1104. Distribution of abortion-inducing drugs.

(a) Because the failure and complication rates from a chemical abortion increase with advancing gestational age and because the physical symptoms of chemical abortion can be identical to the symptoms of ectopic pregnancy and abortion-inducing drugs do not treat ectopic pregnancies and are contraindicated in ectopic pregnancies, a qualified physician providing an abortion-inducing drug shall examine the patient in person and, prior to providing an abortion-inducing drug:

(1) Independently verify that a pregnancy exists;

(2) Determine the patient's blood type, and, if the patient is Rh negative, offer to administer RhoGAM at the time of the abortion;

(3) Inform the patient that the patient may see the remains of the unborn child in the process of completing the abortion; and

(4) Document, in the patient's medical chart, the gestational age and intrauterine location of the pregnancy, and whether the patient received treatment for Rh negativity, as diagnosed by the most accurate standard of medical care.

(b) A qualified physician providing an abortion-inducing drug must be credentialed and competent to handle complication management, including emergency transfer, or must have a signed agreement with an associated physician who is credentialed to handle complications and be able to produce the signed agreement on demand by the patient or the department. The qualified physician providing an abortion-

inducing drug to a patient shall provide the patient with the name and phone number of the associated physician.

(c) A qualified physician providing an abortion-inducing drug, or an agent of the qualified physician, shall schedule a follow-up visit for the patient at approximately seven (7) to fourteen (14) days after administration of the abortion-inducing drug to confirm that the pregnancy is completely terminated and to assess the degree of bleeding. The qualified physician shall make all reasonable efforts to ensure that the patient returns for the scheduled appointment. A brief description of the efforts made to comply with this subsection (c), including the date, time, and identification by name of the individual making the efforts, must be included in the patient's medical record.

63-6-1105. Criminal penalties.

(a) An individual who intentionally, knowingly, or recklessly violates this part commits a Class E felony and, upon conviction, may be fined not more than fifty thousand dollars (\$50,000). As used in this subsection (a), "intentional," "knowing," and "reckless" have the same meanings as provided in § 39-11-302.

(b) A criminal penalty shall not be assessed against a patient upon whom a chemical abortion is attempted or performed.

63-6-1106. Civil remedies and professional sanctions.

(a) In addition to all other remedies available under the laws of this state, failure to comply with this part:

(1) Provides a basis for a civil malpractice action for actual and punitive damages;

(2) Provides a basis for professional disciplinary action under this title or title 68 for the suspension or revocation of the license of a healthcare provider or facility;

(3) Provides a basis for recovery for the patient's survivors for the wrongful death of the patient under a wrongful death action; and

(4) Provides a basis for a cause of action for injunctive relief against an individual who has provided an abortion-inducing drug in violation of this part to prevent the enjoined defendant from providing further abortion-inducing drugs in violation of this part. The action may be maintained by:

(A) A patient to whom the abortion-inducing drug was provided;

(B) An individual who is the spouse, parent, or guardian of, or a current or former licensed healthcare provider of, a patient to whom the abortion-inducing drug was provided; or

(C) A prosecuting attorney with appropriate jurisdiction.

(b) Civil liability shall not be imposed against a patient on whom a chemical abortion is attempted or performed.

(c) When requested, the court shall allow a patient to proceed using solely the patient's initials or a pseudonym and may close any proceedings in the case and enter other protective orders to preserve the privacy of the patient on whom the chemical abortion was attempted or performed.

(d) If judgment is rendered in favor of the plaintiff, the court shall also render judgment for reasonable attorney fees in favor of the plaintiff against the defendant.

(e) If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court may render judgment for reasonable attorney fees in favor of the defendant against the plaintiff.

63-6-1107. Construction.

This part does not:

(1) Create or recognize a right to abortion;

(2) Make lawful an abortion that is otherwise unlawful; or

(3) Repeal, replace, or otherwise invalidate existing federal laws, regulations, or policies.

63-6-1108. Right of intervention.

The attorney general and reporter may bring an action to enforce compliance with this part or intervene as a matter of right in a case in which the constitutionality of this part is challenged.

SECTION 4. If a provision of this act or its application to a person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 5. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 6. For rule promulgation purposes, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2023, the public welfare requiring it.

Amendment No. 1 to HB2401

Farmer
Signature of Sponsor

AMEND Senate Bill No. 2284

House Bill No. 2401*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 17-5-302(a), is amended by deleting the subsection and substituting instead:

(a) The board is authorized, on its own motion, or pursuant to the complaint of a person having reason to believe a judge is disabled, to investigate and take appropriate action, including recommendation of removal from office, in any case in which an active judge is suffering from a temporary or permanent disability, physical or mental, that would substantially interfere with the prompt, orderly, and efficient performance of the judge's duties. As used in this subsection (a), temporary or permanent disability includes, but is not limited to, substance abuse or dependency, the repeated and consistent inability to stay alert during court proceedings, impairment of cognitive abilities that render the judge unable to function effectively, and any other documented or diagnosed physical or mental behavioral condition adversely affecting the administration of justice.

SECTION 2. Tennessee Code Annotated, Section 17-5-302, is amended by adding the following subsection (b) and redesignating the current subsection (b) and subsequent subsection appropriately:

(b) As part of an investigation or at another point in the disciplinary process, the board or an investigative panel of the board may refer the matter to the Tennessee lawyers assistance program. If the referral is made and the Tennessee lawyers assistance program notifies the board in writing that the judge in the matter is

uncooperative or has failed to comply with the recommendations issued under the program, the board may order the judge to submit to a physical or mental evaluation by an appropriately licensed healthcare provider chosen by the board. An investigative panel of the board may also order such a physical or mental evaluation if the action is taken by unanimous vote of the investigative panel and approved by the board chair. The expense of such evaluation must be borne by the board. Prior to a hearing under § 17-5-307, the examiner chosen by the board must disclose any report or opinion issued by the examiner to the judge, the judge's legal representative, the investigative panel, and the disciplinary counsel for the board.

SECTION 3. Tennessee Code Annotated, Section 17-5-303, is amended by adding the following new subsection:

(h) A complaint must be filed within one (1) year of the time that the party filing the complaint knew or reasonably should have known of the alleged misconduct. When the last episode of an alleged pattern of misconduct occurs within the one-year period, all prior acts or omissions related to the alleged pattern of misconduct may be considered, except a prior act or omission for which a complaint was filed and dismissed as unfounded or frivolous without a full investigation by the board.

SECTION 4. Tennessee Code Annotated, Section 17-5-303(c)(3), is amended by deleting the subdivision and substituting instead the following:

(3) The investigative panel shall review the disciplinary counsel's recommendations and either dismiss the complaint or authorize a full investigation within fourteen (14) days of receipt of the disciplinary counsel's recommendation. The disciplinary counsel has no authority to dismiss a complaint without the review of and approval by the investigative panel, except when the complaint alleges conduct the entirety of which has been the subject of a prior complaint, is untimely, or alleges matters beyond the permissible scope of the board's inquiry.

SECTION 5. Tennessee Code Annotated, Section 17-5-201(b), is amended by adding the following as a new subdivision:

(7) Notwithstanding this subsection (b) to the contrary and subject to resignation, each member shall serve until the member's successor is duly appointed.

SECTION 6. This act takes effect July 1, 2022, the public welfare requiring it.

Amendment No. 1 to HB2236

Curcio
Signature of Sponsor

AMEND

Senate Bill No. 2233

House Bill No. 2236*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-102(b)(1), is amended by deleting the subdivision and substituting instead:

(1) "Abuse" exists:

(A) When a person under eighteen (18) years of age is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability, or physical or mental condition caused by brutality, neglect, or other actions or inactions of a parent, relative, guardian, or caretaker; or

(B) When the subject child witnesses abuse of another child in the subject child's immediate family or household or witnesses domestic abuse, as defined in § 36-3-601, of a member of the subject child's immediate family or household;

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to HB2236

Curcio
Signature of Sponsor

AMEND Senate Bill No. 2233

House Bill No. 2236*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-102(b)(1), is amended by deleting the subdivision and substituting instead:

(1) "Abuse" exists when a person under the age of eighteen (18):

(A) Is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability or physical or mental condition caused by brutality, neglect or other actions or inactions of a parent, relative, guardian or caretaker; or

(B) Witnesses the abuse of another child in the person's immediate family or household or domestic abuse, as defined in § 36-3-601, of a member of the person's immediate family or household;

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB1301

Farmer

Signature of Sponsor

AMEND Senate Bill No. 1146*

House Bill No. 1301

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-255, is amended by deleting the section and substituting instead the following:

(a) As used in this section and in § 36-1-142, unless the context otherwise requires:

(1) "Facility" means any hospital as defined by § 68-11-201, birthing center as defined by § 68-11-201, community health clinic, out-patient "walk-in" clinic, fire department that is staffed twenty-four (24) hours a day, law enforcement facility that is staffed twenty-four (24) hours a day, not including dispatch centers, or emergency medical services facility;

(2) "Member of the professional medical community" has the meaning provided in § 68-140-102; provided, that the member of the professional medical community is on the premises at the time of a voluntary delivery;

(3) "Newborn safety device" means a device:

(A) Designed to permit a mother to anonymously place a newborn infant aged thirty (30) days or younger in the device with the intent to leave the newborn infant for an emergency medical services provider to remove the newborn infant from the device and take custody of the newborn infant;

(B) Installed with an adequate dual alarm system connected to the physical location where the device is installed. The dual alarm system must be:

(i) Tested at least once per month to ensure the alarm system is in working order; and

(ii) Visually checked at least twice per day to ensure the alarm system is in working order;

(C) Approved by and located inside a participating police station, fire station, or hospital that is:

(i) Licensed or otherwise legally operating in this state; and

(ii) Staffed continuously on a twenty-four (24) hour basis every day by a licensed emergency medical service provider; and

(D) Located in an area that is conspicuous and visible to a police station, fire station, or hospital staff; and

(4) "Voluntary delivery" means the action of a mother in leaving an unharmed newborn infant aged thirty (30) days or younger on the premises of a facility, with a facility employee or member of the professional medical community at the facility, or in a newborn safety device, without expressing an intention to return for the newborn infant, and failing to visit or seek contact with the newborn infant for a period of thirty (30) days thereafter.

(b) A facility shall receive possession of a newborn infant left on facility premises with a facility employee or member of the professional medical community, or in a newborn safety device, if the newborn infant:

(1) Was born within the preceding thirty-day period, as determined within a reasonable degree of medical certainty;

(2) Is left in an unharmed condition; and

(3) Is voluntarily left by a person who purports to be the newborn infant's mother and who does not express an intention of returning for the newborn infant.

(c) The facility, a facility employee, and a member of the professional medical community at such facility shall inquire, whenever possible, about the medical history of the mother and newborn infant. The facility shall also inform the mother that the mother is not required to respond. Any information obtained concerning the identity of the mother, newborn infant, or other parent must be kept confidential and may be disclosed only to the department of children's services for use consistent with the purposes of this section and §§ 36-1-142 and 36-2-318. If practicable, the facility shall also provide the mother with both orally delivered and written information concerning the requirements of this section and §§ 36-1-142 and 36-2-318 relating to recovery of the newborn infant and abandonment of the newborn infant.

(d)

(1) A mother has the right to remain anonymous, shall not be pursued, and shall not be considered to have endangered a newborn infant under title 39, chapter 15, part 4 if the mother places the newborn infant:

(A)

(i) With an emergency medical services provider;

(ii) At a facility; or

(iii) Inside a newborn safety device; and

(B) Expresses no intent to return to the newborn infant.

(2) This subsection (d) does not apply when indicators of child abuse or child neglect are present.

(e) The facility, a facility employee, and a member of the professional medical community at the facility shall perform any act necessary to protect the physical health and safety of the newborn infant.

(f) The facility employee or member of the professional medical community at the facility who accepts physical custody of a newborn infant, or who physically retrieves a newborn infant from a newborn safety device that meets the requirements of this section, shall immediately arrange for the newborn infant to be taken to the nearest hospital emergency room and shall have implied consent to any and all appropriate medical treatment. The hospital shall immediately notify the department of children's services that the surrendered newborn infant is at the hospital. Upon notification, the department shall immediately assume care, custody, and control of the newborn infant.

(g) Notwithstanding any law to the contrary, an infant delivered to a facility authorized to accept an infant under this section or § 36-1-142, shall be issued by the office of vital records, a birth certificate in accordance with § 68-3-307, which supersedes and invalidates any previously issued birth certificate.

(h) Notwithstanding any law to the contrary, a facility, facility employee, and member of the professional medical community is immune from any criminal or civil liability for damages as a result of any actions taken pursuant to the requirements of this section and § 36-1-142, and no lawsuit shall be predicated thereon. Nothing in this section and § 36-1-142 shall be construed to abrogate any existing standard of care for medical treatment or to preclude a cause of action based upon violation of such existing standard of care for medical treatment.

SECTION 2. Tennessee Code Annotated, Section 36-1-142, is amended by deleting subsections (a) – (c), substituting instead the following, and redesignating the subsequent subsections:

(a) Notwithstanding any other law to the contrary and without complying with the surrender provision of this part, any facility or newborn safety device, as defined in § 68-11-255, shall receive possession of an infant aged thirty (30) days or younger upon the voluntary delivery of the infant by the infant's mother, pursuant to § 68-11-255.

(b) The facility, any facility employee, or any member of the professional medical community at such facility, shall notify the department of children's services immediately after taking possession of an infant under this section. Upon notification, the department or the department's authorized designee shall immediately assume the care, custody, and control of such infant and shall petition the appropriate court for legal custody of such infant.

(c) The facility, a facility employee, or a member of the professional medical community at such facility shall notify the office of vital records of the voluntary delivery of the infant in accordance in with this section and § 68-11-255. The office of vital records shall issue a birth certificate for the child in accordance with § 68-3-307, which will supersede and invalidate any previously issued birth certificate.

(d) Voluntary delivery of an infant pursuant to § 68-11-255 and failure of the mother voluntarily delivering such child to visit or seek contact with such infant for a period of thirty (30) days after the date of delivery, and failure to seek contact with the infant through the department or to revoke the voluntary delivery within thirty (30) days after notice was completed pursuant to this section, which shall cumulatively be no less than ninety (90) days from the date such child was voluntarily delivered to such facility or newborn safety device, shall be a basis for termination of parental rights pursuant to this part.

SECTION 3. Tennessee Code Annotated, Section 36-1-102(1)(A)(v), is amended by deleting the subsection and substituting:

(v) The child, as a newborn infant aged thirty (30) days or younger was voluntarily left at a facility or in a newborn safety device by the child's mother pursuant to § 68-11-255; and, for a period of thirty (30) days after the date of voluntary delivery, the mother failed to visit or seek contact with the infant; and, for a period of thirty (30) days after notice was given under § 36-1-142(f), and no less than ninety (90) days cumulatively, the mother failed to seek contact with the infant through the department or to revoke her voluntary delivery of the infant;

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to HB1301

Zachary
Signature of Sponsor

AMEND Senate Bill No. 1146*

House Bill No. 1301

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-255, is amended by deleting the section and substituting instead the following:

(a) As used in this section and in § 36-1-142, unless the context otherwise requires:

(1) "Facility" means a hospital as defined by § 68-11-201, birthing center as defined by § 68-11-201, community health clinic, out-patient "walk-in" clinic, fire department that is staffed twenty-four (24) hours a day, law enforcement facility that is staffed twenty-four (24) hours a day, not including dispatch centers, or emergency medical services facility;

(2) "Member of the professional medical community" has the meaning provided in § 68-140-102; provided, that the member of the professional medical community is on the premises at the time of a voluntary delivery;

(3) "Newborn safety device" means a device:

(A) Designed to permit a mother to anonymously place a newborn infant aged fourteen (14) days or younger in the device with the intent to leave the newborn infant for an emergency medical services provider to remove the newborn infant from the device and take custody of the newborn infant;

(B) Installed with an adequate dual alarm system connected to the physical location where the device is installed. The dual alarm system must be:

(i) Tested at least once per month to ensure the alarm system is in working order; and

(ii) Visually checked at least twice per day to ensure the alarm system is in working order;

(C) Approved by and located inside a participating police station, fire station, or hospital that is:

(i) Licensed or otherwise legally operating in this state; and

(ii) Staffed continuously on a twenty-four (24) hour basis every day by a licensed emergency medical services provider; and

(D) Located in an area that is conspicuous and visible to a police station, fire station, or hospital staff; and

(4) "Voluntary delivery" means the action of a mother in leaving an unharmed newborn infant aged fourteen (14) days or younger on the premises of a facility, with a facility employee or member of the professional medical community at the facility, or in a newborn safety device, without expressing an intention to return for the newborn infant, and failing to visit or seek contact with the newborn infant for a period of thirty (30) days thereafter.

(b) A facility shall receive possession of a newborn infant left on facility premises with a facility employee or member of the professional medical community, or in a newborn safety device, if the newborn infant:

(1) Was born within the preceding fourteen-day period, as determined within a reasonable degree of medical certainty;

(2) Is left in an unharmed condition; and

(3) Is voluntarily left by a person who purports to be the newborn infant's mother and who does not express an intention of returning for the newborn infant.

(c) The facility, a facility employee, and a member of the professional medical community at such facility shall inquire, whenever possible, about the medical history of the mother and newborn infant. The facility shall also inform the mother that the mother is not required to respond. Information obtained concerning the identity of the mother, newborn infant, or other parent must be kept confidential and may be disclosed only to the department of children's services for use consistent with the purposes of this section and §§ 36-1-142 and 36-2-318. If practicable, the facility shall also provide the mother with both orally delivered and written information concerning the requirements of this section and §§ 36-1-142 and 36-2-318 relating to recovery of the newborn infant and abandonment of the newborn infant.

(d)

(1) A mother has the right to remain anonymous, shall not be pursued, and shall not be considered to have endangered a newborn infant under title 39, chapter 15, part 4 if the mother places the newborn infant:

(A)

(i) With an emergency medical services provider;

(ii) At a facility; or

(iii) Inside a newborn safety device; and

(B) Expresses no intent to return to the newborn infant.

(2) This subsection (d) does not apply when indicators of child abuse or child neglect are present.

(e) The facility, a facility employee, and a member of the professional medical community at the facility shall perform any act necessary to protect the physical health and safety of the newborn infant.

(f) The facility employee or member of the professional medical community at the facility who accepts physical custody of a newborn infant, or who physically retrieves a newborn infant from a newborn safety device that meets the requirements of this section, shall immediately arrange for the newborn infant to be taken to the nearest hospital emergency room and shall have implied consent to any and all appropriate medical treatment. The hospital shall immediately notify the department of children's services that the surrendered newborn infant is at the hospital. Upon notification, the department shall immediately assume care, custody, and control of the newborn infant.

(g) Notwithstanding a law to the contrary, an infant delivered to a facility authorized to accept an infant under this section or § 36-1-142, shall be issued by the office of vital records, a birth certificate in accordance with § 68-3-307, which supersedes and invalidates any previously issued birth certificate.

(h) Notwithstanding a law to the contrary, a facility, facility employee, and member of the professional medical community is immune from criminal or civil liability for damages as a result of actions taken pursuant to this section and § 36-1-142, and a lawsuit shall not be predicated on those actions. This section and § 36-1-142 do not abrogate an existing standard of care for medical treatment or preclude a cause of action based upon violation of such existing standard of care for medical treatment.

SECTION 2. Tennessee Code Annotated, Section 36-1-142, is amended by deleting subsections (a)–(c), substituting instead the following, and redesignating the subsequent subsections:

(a) Notwithstanding a law to the contrary and without complying with the surrender provision of this part, a facility or newborn safety device, as defined in § 68-

11-255, shall receive possession of an infant aged fourteen (14) days or younger upon the voluntary delivery of the infant by the infant's mother, pursuant to § 68-11-255.

(b) The facility, a facility employee, or a member of the professional medical community at such facility, shall notify the department of children's services immediately after taking possession of an infant under this section. Upon notification, the department or the department's authorized designee shall immediately assume the care, custody, and control of such infant and shall petition the appropriate court for legal custody of such infant.

(c) The facility, a facility employee, or a member of the professional medical community at such facility shall notify the office of vital records of the voluntary delivery of the infant in accordance with this section and § 68-11-255. The office of vital records shall issue a birth certificate for the child in accordance with § 68-3-307, which will supersede and invalidate any previously issued birth certificate.

(d) Voluntary delivery of an infant pursuant to § 68-11-255 and failure of the mother voluntarily delivering such child to visit or seek contact with such infant for a period of thirty (30) days after the date of delivery, and failure to seek contact with the infant through the department or to revoke the voluntary delivery within thirty (30) days after notice was completed pursuant to this section, which shall cumulatively be no less than ninety (90) days from the date such child was voluntarily delivered to such facility or newborn safety device, shall be a basis for termination of parental rights pursuant to this part.

SECTION 3. Tennessee Code Annotated, Section 36-1-102(1)(A)(v), is amended by deleting the subdivision and substituting:

(v) The child, as a newborn infant aged fourteen (14) days or younger was voluntarily left at a facility or in a newborn safety device by the child's mother pursuant to § 68-11-255; and, for a period of thirty (30) days after the date of voluntary delivery, the mother failed to visit or seek contact with the infant; and, for a period of thirty (30) days

after notice was given under § 36-1-142(f), and no less than ninety (90) days
cumulatively, the mother failed to seek contact with the infant through the department or
to revoke her voluntary delivery of the infant;

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB2057

Moody
Signature of Sponsor

AMEND Senate Bill No. 2181

House Bill No. 2057*

by deleting all language after the caption and substituting:

WHEREAS, the Tennessee General Assembly passed the "Tennessee Literacy Success Act" in 2021 to improve literacy rates across the State and to establish foundational literacy skills standards; and

WHEREAS, a literate society is essential to maintaining a free society; and

WHEREAS, every Tennessee student deserves a high-quality teacher; and

WHEREAS, Tennessee and other states must continue to work to strengthen teacher preparation; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-5619(b), is amended by designating the existing language as subdivision (1) and adding the following:

(2)

(A) By August 1, 2024, and by each August 1 thereafter, the department, in consultation with the state board, shall annually report to the education committees of the senate and house of representatives the number and percentage of persons licensed to teach students in kindergarten through grade three (K-3) who are employed in Tennessee schools; who are trained by a state board-approved educator preparation provider or another entity responsible for managing, operating, or coordinating programs for the preparation and licensure of teachers, school leaders, and other school personnel; and who earned, for the immediately preceding school year, an overall performance evaluation level of

"significantly above expectations," "above expectations," "at expectations," "below expectations," and "significantly below expectations." Notwithstanding § 49-5-5614, the department shall publish the report on the department's website.

(B) The report required by subdivision (b)(2)(A) must include the following information in both a graphic and tabular format:

(i) The numbers and percentages calculated pursuant to subdivision (b)(2)(A) for each of the three (3) most recent years of teacher overall performance evaluation level scores, aggregated by year and program;

(ii) The annual percentage by which each program is expected to reduce the percentage of persons licensed to teach students in kindergarten through grade three (K-3) who are employed in Tennessee schools; trained under this section; and who earned, for the immediately preceding school year, an overall performance evaluation level score of "below expectations," or "significantly below expectations," as determined by the department;

(iii) How the number and percentage of persons licensed to teach students in kindergarten through grade three (K-3) who are employed in a Tennessee school; trained by a state board-approved educator preparation provider or another entity responsible for managing, operating, or coordinating programs for the preparation and licensure of teachers, school leaders, and other school personnel; and who earned, for the immediately preceding school year, an overall performance evaluation level score of "below expectations" or "significantly below expectations" change over time, aggregated by year and program; and

(iv) A comparison of the changes in percentages of overall performance evaluation level scores described in subdivision (b)(2)(B)(iii)

with the expected reductions in the percentage of licensed teachers described in subdivision (b)(2)(B)(ii), with the programs evaluated on their success in reaching the expected reductions.

(C) The state board of education may place on probationary status or revoke the approval of an educator program provider or any other Tennessee educator issuing entity if the program fails to meet the standards established by the state board of education.

(D) The state board of education may promulgate rules as necessary to effectuate the requirements of subdivisions (b)(2)(A) and (B). The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB2538

Farmer
Signature of Sponsor

AMEND Senate Bill No. 2478

House Bill No. 2538*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 17-1-106(a), is amended by deleting the subsection and substituting instead the following:

(a) In addition to the qualifications provided for judges by the Constitution of Tennessee, Article VI, § 3, judges of the supreme court, court of appeals, court of criminal appeals, chancery courts, circuit courts, criminal courts, and courts exercising the jurisdiction imposed in one (1) or more of the chancery courts, circuit courts, or criminal courts shall be learned in the law, which must be evidenced by the judge:

- (1) Being authorized to practice law in the courts of this state;
- (2) Being in good standing with the board of professional responsibility;

and

(3) Not having been publicly censured or suspended or disbarred from the practice of law by the board of professional responsibility within the ten (10) years preceding the judge's term of office for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; provided, that this subdivision (a)(3) does not apply to those serving in a judicial position as of the effective date of this act.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to HB2538

Bricken
Signature of Sponsor

AMEND Senate Bill No. 2478

House Bill No. 2538*

by deleting the effective date section and substituting the following:

SECTION _____. This act takes effect August 5, 2022, the public welfare requiring it.

Amendment No. 3 to HB2538

Hulsey
Signature of Sponsor

AMEND Senate Bill No. 2478

House Bill No. 2538*

by deleting the effective date section and substituting the following:

SECTION _____. This act takes effect January 1, 2023, the public welfare requiring it.

Amendment No. 4 to HB2538

Bricken
Signature of Sponsor

AMEND Senate Bill No. 2478

House Bill No. 2538*

by deleting the effective date section and substituting the following:

SECTION _____. This act takes effect October 1, 2022, the public welfare requiring it.